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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------|-------------|----------------------|---------------------|------------------|
| 18/130,846 | 04/04/2023 | Marvin DeMerchant | 020699-122000US | 7318 |
| 102383 | 7590 | 11/13/2024 | EXAMINER | |
| Trellis IP Law Group/ Sony Corp. | | | OCAK, ADIL | |
| 235 Westlake Center #23 | | | ART UNIT | PAPER NUMBER |
| Daly City, CA 94015 | | | 2426 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 11/13/2024 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@trellislaw.com
megan@trellislaw.com
sherry@trellislaw.com

| | | | |
|------------------------------|--------------------------------------|--|---------------------------------|
| Office Action Summary | Application No. 18/130,846 | Applicant(s) DeMerchant et al. | |
| | Examiner ADIL OCAK | Art Unit 2426 | AIA (FITF) Status Yes |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/11/2024.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 1-20 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-20 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 04/04/2023 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☐ All b) ☐ Some** c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date _____
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 4) ☐ Other: _____

DETAILED ACTION

Notice of Pre-AIA or AIA Status

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/11/2024 has been entered.

Amendment

3. This Office Action is made in response to amendment, filed 9/11/2024. Applicant has amended claims 1, 8 and 15.

Response to Arguments

4. Applicant's arguments see "Remarks", made in an Amendment", filed 9/11/2024.
With respect to Claim Rejections - 35 U.S.C. §103, the Applicant has amended claims 1, 8 and 15 to include "**determining dietary restrictions of a user; and ... suggested ingredient substitutes based on the dietary restrictions...**" (emphasis added to distinguish the elements not taught by current art of record). The Applicant submits that Jo does not teach or suggest "providing a name of the food dish, suggested ingredients of the food dish, **suggested ingredient substitutes based on the dietary restrictions**, and a suggested recipe of the food dish to the user, as recited in the independent claims 1, 8 and 15. The Examiner agrees that the current art of record does not teach the newly amended features "determining dietary restrictions of a user; and ... suggested ingredient substitutes based on the dietary restrictions..." The Examiner finds BODLAENDER that teaches these amended features (see rejections below). The Examiner also points out that the Application merely states that Jo does not teach or suggest "providing a name of the food dish, suggested ingredients of the food dish, ... and a suggested recipe of

the food dish to the user” without providing any argument as to why Jo does not teach or suggest the features. The Examiner maintains the position that Jo does disclose “providing a name of the food dish” as identified in the rejection below and the Final Rejection 7/11/2024. The Examiner also had identified in the Final Rejection 7/11/2024 that Jo does not explicitly disclose providing “suggested ingredients of the food dish, ... and a suggested recipe of the food dish to the user”, however it is Wilkinson that discloses these features which the Examiner maintains (see rejections below).

The Applicant submits that amended independent claims 1, 8, and 15 and their respective dependent claims are allowable over the cited references for at least these reasons. In response, with respect to the applicant arguments of claims 1, 8 and 15 and their respective dependent claims, have been fully considered but they are moot in view of the new grounds of rejection (see rejections below).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102 of this title, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103 are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-20 are rejected under 35 U.S.C. 103 as being unpatentable over Geun Sik Jo, Pub No US 2015/0073940 (hereafter Jo) in view of Wilkinson et al., Pub No US 2017/0301001 (hereafter Wilkinson) and further in view of Masato Monji, Pub No US 2008/0068503 (hereafter Monji) and further in view of BODLAENDER et al., WO 2007/110788 A2 (hereafter BODLAENDER).

Regarding Claim 1, Jo discloses **a system comprising:**

one or more processors [para.0009: Discloses a processor.]; **and**

logic encoded in one or more non-transitory computer-readable storage media for execution by the one or more processors and when executed operable to cause the one or more processors to perform operations [para.0008: Discloses a

computer-readable storage medium storing computer instructions which, when executed, enables a computer system (one or more processors) to perform.] **comprising:**

detecting a cooking program being presented on a television [para(s).0038, 0041: Discloses an online shopping system receiving a cooking video id (detecting a cooking program) as the result of a user watching and interacting with the cooking video; and para.0028: Discloses presented on a television.];

extracting data associated with the cooking program [para.0006: Discloses information is extracted from the metadata and displayed on the screen; and para.0051: Discloses interactive cooking video may be stored in a database and can be offered to viewers through diverse mediums such as websites. At this time, the metadata pertaining to the recipe information may be separately stored from video data. When the interactive cooking video is played on a display screen, the metadata is displayed as virtual artifacts (extracted data from: video data, database, memory, metadata).];

identifying a food dish being prepared on the cooking program [FIG.5: Discloses a “Brilliant Baked Mackerel” (a food dish) being prepared; and para.0036: Discloses the cooking video including the integrated recipe information as metadata may be displayed in a video player as shown in FIG. 5.];

determining ingredients being used in the food dish based on the data [para.0032: Discloses a video file describing the preparation of a pasta dish. FIG. 1 lists the ingredients (determined from metadata) necessary for making two servings of a particular pasta dish.];

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